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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,052	03/27/2001	Steve Reynolds	INTC-001/01US	9179
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OPTV/MOFO C/O MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD, SUITE 300 MCLEAN, VA 22102			LAMBRECHT, CHRISTOPHER M	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/818,052	REYNOLDS ET AL.
	Examiner	Art Unit
	Christopher M. Lambrecht	2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 23 June 2005.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-56 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-56 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 3/4/2005

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____

5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-56 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's failure to adequately traverse facts introduced by Official notice in the previous Office action constitutes an admission of the facts noticed.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-4, 8, 13-19, 22, 28-33, 36-42, 44, 47-49, 51, 53, and 54** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,006,256 to Zdepski et al. (hereinafter "Zdepski").

Regarding **claims 1 and 28**, Zdepski discloses a data modification device and system for selective insertion of local meta data into an incoming data stream, the incoming data stream having a video data component and a meta data component (col. 4, ll. 27-38), the data modification device and system comprising:

a data modification unit (**50**, fig. 1) coupled to an incoming data terminal (from **52**, fig. 1), a local data terminal (from **58**, fig. 1), and a data distribution terminal (to **62**, fig. 1), wherein the data modification unit is adapted to selectively combine data from the incoming data terminal and the local data terminal in accordance with an instruction set (col. 4, ll. 27-38),

a data stripper (56, fig. 1) for extracting a meta data parameter (trigger, col. 4, ll. 17-22) from a data signal wherein the extracted parameter is a unique processor identification parameter (col. 4, ll. 53-58);

an evaluator (58, fig. 1) for comparing the extracted parameter to one or more predetermined meta data parameter values (col. 5, ll. 41-57);

an inserter (68, fig. 1) for inserting one or more of the predetermined meta data parameter values into the data signal based on the evaluator comparison (col. 5, ll. 54-62).

As for **claims 2, 29, and 30**, Zdepski discloses the device of claim 1, wherein the data modification unit comprises:

a processor (58, fig. 1) coupled to the local data terminal configured to execute the instruction set (col. 5, ll. 41-57).

As for **claim 3**, Zdepski discloses the device of claim 2, wherein the data stripper (56) is coupled to the incoming data terminal (from 56), the processor (58) is coupled to the local data terminal (from 58), and the inserter (68) is coupled to the distribution terminal (to 62).

As for **claim 4**, Zdepski discloses the device of claim 1, wherein the incoming data terminal is adapted to receive a data signal from a broadcasting source (col. 5, ll. 10-15).

As for **claim 8**, Zdepski discloses the device of claim 4, wherein the broadcasting source is an NTSC format (col. 4, ll. 28-38).

As for **claim 13**, Zdepski discloses the device of claim 4, wherein the data signal comprises a video data component (television signal) and a meta data component (trigger, col. 4, l. 65 - col. 5, l. 6).

As for **claim 14**, Zdepski discloses the device of claim 1, wherein the local data terminal (from 58) is adapted to receive a data signal from a storage device (col. 5, ll. 48-57).

As for **claims 15-17**, Zdepski discloses the device of claim 14, wherein the storage device is a recordable disc, a RAM, and a computer database (col. 5, ll. 30-55).

As for **claim 18**, Zdepski discloses the device of claim 1, wherein the data distribution terminal is adapted to transmit a data signal to a distribution channel (col. 6, ll. 14-22).

As for **claim 19**, Zdepski discloses the device of claim 2, wherein the data stripper (56, fig. 1) is adapted to separate an incoming signal into a video data component and a meta data component (col. 5, ll. 18-22).

As for **claim 22**, Zdepski discloses the device of claim 1, further comprising a receiver (set-top box) adapted to display the combined data from the incoming data terminal and the local data terminal (col. 5, ll. 30-36).

Regarding **claims 31, 38, and 43**, Zdepski discloses a method of and corresponding computer readable medium of instructions for performing the method of selectively modifying a data signal (col. 4, ll. 27-38), comprising:

receiving a data signal (col. 4, ll. 17-19), the data signal comprising a first data component (television signal) and a second data component (trigger, col. 4, ll. 19-21);
separating the first data component from the second data component (col. 4, ll. 19-27);
determining whether to modify the second data component (col. 5, ll. 40-45);
if modification of the second data component is required, then retrieving a third data component from a database (col. 5, ll. 44-53);
forwarding the third data component and merging the third data component with the first data component (col. 6, ll. 14-21) based on the comparison (col. 5, ll. 40-45); and
outputting the third data component and the first data component to a distribution terminal (col. 6, ll. 19-22).

As for **claims 32 and 39**, Zdepski discloses the method of claims 31 and 38, wherein the first data component comprises a video component (i.e., television program), the second data component comprises a meta data component (i.e., interactive content trigger, col. 4, ll. 19-21), and the third data component comprises a local meta data component (i.e., locally stored interactive content, col. 5, ll. 30-41).

As for **claim 33**, Zdepski discloses the method of claim 31, wherein determining whether to modify the second data component is a logic function programmed into a processor (58, col. 5, ll. 41-57).

As for **claims 36 and 40**, Zdepski discloses the method of claims 31 and 38, wherein the third data component replaces the second data component (trigger replaced by corresponding interactive program, col. 4, ll. 27-38).

As for **claim 37**, Zdepski discloses the method of claim 31, wherein the third data component is a local meta data component (i.e., locally stored the broadcast station **50**, fig. 1, col. 5, ll.30-35).

Regarding **claims 41 and 42**, Zdepski discloses a data modification system (**50**, fig. 1) for selective insertion of local meta data (interactive program, col. 4, ll. 17-27) into a data stream, the data stream having a video data component (television program, col. 4, ll. 65-67) and a meta data component (trigger, col. 4, ll. 65-67), the data modification system comprising:

a data stripper (**56**, fig. 1) for extracting a meta data parameter from the data stream (col. 5, ll. 23-30) wherein the extracted parameter is a unique processor identification parameter (col. 5, ll. 44-52);

a data storage device (**58**, fig. 1) for storing local meta data (interactive program, col. 5, ll. 30-41);

a processor (where interactive program source **58**, fig. 1 is embodied as a server, col. 5, ll. 30-41, and a server inherently comprises a processor) coupled to the data storage device (of **58**) and the data stripper (**56**), the processor for comparing the extracted parameter to one or more predetermined meta data parameter values (col. 5, ll. 42-57); and

a data insertion unit (**68**, fig. 1) coupled to the processor (**58**), the data insertion unit for inserting one or more predetermined meta data parameter values into the video broadcast signal (col. 6, ll. 14-22) based on the comparison (col. 5, ll. 42-57).

Regarding **claim 44**, Zdepski discloses a method of controlling a display of enhanced television content for viewers from a distribution point, comprising:

receiving a broadcast signal comprising a video data component and a generic meta data component (col. 5, ll. 11-18), the generic meta data component comprising triggers (col. 5, ll. 18-22);

Art Unit: 2611

extracting a meta data parameter from the generic meta data component (col. 5, ll. 23-30) wherein the extracted parameter is a unique processor identification parameter (col. 4, ll. 44-48);

evaluating the generic meta data component to determine whether to make an insertion of local meta data into the broadcast signal by comparing the extracted parameter to one or more predetermined meta data parameter values (col. 5, ll. 41-57);

inserting the local meta data into the broadcast signal in response to a determination in the evaluating step to make the insertion, to obtain a modified broadcast signal (col. 6, ll. 15-22); and

broadcasting the modified broadcast signal to the viewers (col. 6, ll. 19-22).

As to **claim 47**, Zdepski discloses the method of claim 44 further comprising:

repeating the evaluating step (where evaluation occurs for each trigger received, col. 5, ll. 41-57); and

broadcasting the broadcast signal (television signal, from 56, fig. 1) to the viewers in response to a determination in the repeated evaluation step to not make the insertion (where television signal is transmitted to compression & transmission hardware 64 & 68 regardless of results of evaluation step carried out at 58, col. 5, ll. 10-23).

As to **claim 48**, Zdepski discloses the method of claim 47 wherein the inserting step comprises: substituting the local meta data for the generic meta data in the broadcast signal in response to a determination in the evaluating step to make the insertion, to obtain the modified broadcast signal (col. 5, ll. 42 - col. 6, l. 22).

As to **claim 49**, Zdepski discloses the method of claim 44 further comprising:

stripping the generic meta data component from the broadcast signal prior to the evaluating step (col. 4, ll. 17-27).

As to **claim 51**, Zdepski discloses the method of claim 44 further comprising:
characterizing the distribution point by a local parameter that includes an ID parameter (col. 5, ll. 48-52);

wherein the generic meta data component further comprises content (where a trigger inherently comprises content) and a plurality of announcements (i.e., sequentially received triggers), each of which includes a generic ID parameter (col. 5, ll. 45-50); and

wherein the evaluating step comprises comparing values of the generic parameters and the local parameter (col. 5, ll. 48-52).

Regarding **claim 53**, Zdepski discloses a system for controlling display of enhanced content for viewers from a distribution point, the system comprising:

a broadcast signal receiver (52, fig. 1) for receiving a broadcast signal comprising a video component (television signal) and a generic meta data component, the generic meta data component comprising triggers (col. 4, ll. 17-22);

a data stripper (56, fig. 1) for extracting a meta data parameter from the generic meta data component wherein the extracted parameter is a unique processor identification parameter (col. 5, ll. 44-52);

a local meta data center (58 fig. 1) for storing local meta data of particular relevancy to the viewers (col. 5, ll. 30-41);

a first processor component coupled to the broadcast signal receiver for evaluating the generic meta data component to determine whether to make an insertion of the local meta data into the broadcast signal by comparing the extracted parameter to one or more predetermined meta data parameter values (col. 5, ll. 42-44);

a second processor component coupled to the local meta data center for selecting the local meta data in response to a signal from the first processor component to make the insertion based on the comparison (col. 33, ll. 20-25 and col. 21, ll. 50-58);

an inserter (68, fig. 1) coupled to the second processor component for receiving the local meta data, and further coupled to the broadcast signal receiver for inserting the local meta data into the broadcast signal to obtain a modified broadcast signal (col. 6, ll. 3-22); and

a transmitter (62, fig. 1) coupled to the inserter for broadcasting the modified broadcast signal to the viewers (col. 6, ll. 19-22).

As to **claim 54**, Zdepski discloses the system of claim 53 wherein the broadcast signal receiver comprises a stripper for removing the generic meta data component from the broadcast signal and furnishing the generic meta data component to the first processor component (col. 5, ll. 11-23).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 5-7, 9-12, 20, 21, 23-27, 34, 35, 50, 52, and 55** are rejected under 35 U.S.C. 103(a) as being unpatentable over Zdepski.

Regarding **claims 5-7**, Zdepski discloses the device of claim 1, but fails to disclose the incoming data terminal is adapted to receive a data signal that conforms to a TCP-IP standard, an ATVEF standard, and a DOCSIS standard.

Art Unit: 2611

Official notice is taken of the fact that it is well known in the art to adapt a data terminal of a cable headend to receive a data signal conforming to a TCP-IP standard, for the purposes of enabling communication with TCP-IP devices; an ATVEF standard, for the purposes of enabling communication with enhanced television devices; and a DOCSIS standard, for the purposes of enabling communication with DOCSIS devices, respectively.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the incoming data terminal of Zdepski to receive a data signal that conforms to a TCP-IP standard, an ATVEF standard, and a DOCSIS standard, for the purpose of enabling communication with any well known standard such as TCP-IP devices, ATVEF devices, and DOCSIS devices in order to provide compatibility with any interactive television system.

As for **claims 9-12**, Zdepski discloses the device of claim 4, but fails to disclose the broadcasting source is an MPEG-2 format, an HDTV format, a DVD format, and a DBS format.

Official notice is taken of the fact that it is well known in the art to employ a broadcasting source of an NTSC format, for the purpose of taking advantage of compression techniques to minimize transmission bandwidth; an HDTV format, for enabling communication with HDTV compatible devices; a DVD format, enabling communication with DVD compatible devices; and a DBS format, for enabling communication with DBS compatible devices.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the broadcasting source of Zdepski to include an MPEG-2 format, an HDTV format, a DVD format, and a DBS format, for the purpose conserving transmission bandwidth and enabling communication with HDTV, DVD, and DBS compatible devices in an interactive television system.

As for **claims 20, 21, 34 and 35**, Zdepski discloses the device of claim 2 and method of claim 33, but fails to disclose the processor is a reprogrammable device, and an ASIC.

Official notice is taken of the fact that it is well known in the art to implement a processor as a reprogrammable device, for the purpose of increasing system flexibility; and to implement a processor as an ASIC, for the purpose of improving device efficiency by using a processor designed for a specific application.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the processor of Zdepski as a reprogrammable device, for the purpose of increasing system flexibility; and to implement a processor as an ASIC, for the purpose of improving device efficiency by using a processor designed for a specific application in the cable headend.

Regarding **claims 23-27**, Zdepski discloses the device of claim 22, but fails to disclose the receiver is an NTSC enabled television, an HDTV enabled television, an MPEG-2 enabled television, a DVD enabled television, and a DBS enabled television.

Official notice is taken of the fact that it is well known in the art to implement a receiver as an NTSC enabled television, enabling display of traditional analog broadcast content; an HDTV enabled television; enabling high-definition content to be viewed by the user; an MPEG-2 enabled television, enabling compatibility with programming provided in MPEG-2 format; a DVD enabled television, enabling compatibility with programming provided in DVD format; and a DBS enabled television, enabling compatibility with programming delivered in DBS format.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the receiver of Zdepski to include an NTSC enabled television, an HDTV enabled television, an MPEG-2 enabled television, a DVD enabled television, and a DBS enabled

television, for the purpose of enabling compatibility with programming provided in NTSC format, HDTV format, MPEG-2 format, DVD format, and DBS format.

Regarding **claims 50 and 55**, Zdepski discloses the system and method of claims 49 and 54, but is silent with respect to a third processor component coupled to the stripper and subsequent receiving component for inserting the generic meta data back into the broadcast signal in response to a determination in the repeated evaluating step to not make the insertion (e.g., in response to a failed trigger authentication, col. 5, ll. 42-57), as claimed.

Official notice is taken of the fact that it is well known in the art to retransmit an originally received broadcast signal from a cable headend where it is determined that further modifications to said signal should not be made (e.g., where replacement of a global advertisement with a local advertisement is not possible or undesirable), for the benefit of conveying global broadcast content to the user.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Zdepski to include a third processor component coupled to the stripper and receiving component for inserting the generic meta data back into the broadcast signal in response to a determination in the repeated evaluating step to not make the insertion, to obtain a reconstructed broadcast signal, for the benefit of conveying global broadcast content to the user.

Regarding **claim 52**, Zdepski discloses the method of claim 51, but fails to disclose the generic parameters and the local parameters are defined by options established by an Advanced Television Enhancement Forum specification.

Official notice is taken of the fact that it is well known in the art to define enhanced television content according to an ATVEF specification, for the benefit of ensuring compatibility with ATVEF devices.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Zdepski to include the generic parameters and the local parameters are defined by options established by an Advanced Television Enhancement Forum specification, for the benefit of ensuring compatibility with ATVEF devices.

6. **Claims 45, 46, and 56** are rejected under 35 U.S.C. 103(a) as being unpatentable over Zdepski in view of U.S. Patent Application Publication No. 2005/0097622 to Zigmund et al. (hereinafter “Zigmund”).

Regarding **claim 45**, Zdepski discloses the method of claim 44, but fails to disclose the local meta data comprises triggers.

In an analogous art, Zigmund discloses inserting local meta data comprising triggers (¶¶0056,7), for the benefit of enabling local affiliates to supplement enhanced programming content to viewers (¶0034).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Zdepski to include inserting local meta data content comprising triggers, as taught by Zigmund, for the benefit of enabling local affiliates to supplement enhanced programming content to viewers.

Regarding **claim 46**, Zdepski discloses the method of claim 44, wherein the generic meta data further comprises content (where meta data contains any information, it inherently comprises content); and the local meta data comprises content (see above). However, Zdepski fails to disclose the local meta data comprises triggers.

In an analogous art, Zigmond discloses inserting local meta data comprising triggers (¶¶0056,7), for the benefit of enabling local affiliates to supplement enhanced programming content to viewers (¶0034).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Zdepski to include inserting local meta data content comprising triggers, as taught by Zigmond, for the benefit of enabling local affiliates to supplement enhanced programming content to viewers.

Regarding **claim 56**, Zdepski and Zigmond together discloses a system for controlling a display of enhanced television content for a first group of viewers comprising a first distribution point, substantially identical to the distribution point as described in the rejection of claims 53-55. In addition, Zigmond discloses insertion of interactive content triggers at multiple points in the distribution system, such as at the national broadcasting and local broadcasting level (¶¶0056,7), for the benefit of enabling local affiliates to supplement enhanced programming content to viewers (¶0034).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Zdepski and Zigmond to include a second distribution point substantially identical to the first distribution point as described above, adapted to receive the transmitted signal of the first distribution point and to further modify said signal to include locally targeted interactive content trigger data, as taught by Zigmond, for the benefit of enabling local affiliates to supplement enhanced programming content to viewers.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2611

8. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Art Unit: 2611

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Lambrecht whose telephone number is (571) 272-7297. The examiner can normally be reached on 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher M Lambrecht
Examiner
Art Unit 2611

CML



**HAI TRAN
PRIMARY EXAMINER**